

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	James F. Holderman	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 C 4337	DATE	8/4/2008
CASE TITLE	Burney Robinson vs. Broderick Jones		

DOCKET ENTRY TEXT

Plaintiff's application for leave to proceed *in forma pauperis* ("IFP") [4] and motion for appointment of counsel [5] are both denied. Robinson is given leave to file a First Amended Complaint by no later than August 26, 2008.

■ [For further details see text below.]

Notices mailed.

STATEMENT

Requests to proceed IFP are reviewed under 28 U.S.C. § 1915. To ensure that indigent litigants have meaningful access to the courts, § 1915 allows an indigent litigant to commence an action in federal court without paying the administrative costs of the lawsuit. *Denton v. Hernandez*, 504 U.S. 25, 27 (1992); *Neitzke v. Williams*, 490 U.S. 319, 324 (1989). The court is required to deny a request to proceed IFP if (1) the allegation of poverty is untrue, (2) the action is frivolous or fails to state a claim, or (3) the action seeks monetary relief against an immune defendant. 28 U.S.C. § 1915(e)(2); *see Neitzke*, 490 U.S. at 324.

Although Robinson meets the financial requirements for proceeding IFP, Robinson's application to proceed *in forma pauperis* must be denied because Robinson's complaint fails to state a claim. To state a claim, a party need submit only "a short and plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a)(2). This court will dismiss a claim, however, if it fails to give the opposing party fair notice of what the claim is and the grounds upon which it rests. *Erickson v. Pardus*, 127 S. Ct. 2197, 2200 (2007); *Airborne Beepers & Video, Inc. v. AT&T Mobility LLC*, 499 F.3d 663, 667 (7th Cir. 2007). The court can glean from Robinson's one paragraph, 7-line complaint only that Robinson believes State's Attorney Broderick Jones committed perjury at some time in relation to some criminal proceeding. But Robinson's allegations cannot be construed in any way to give defendant Jones fair notice of the grounds upon which Robinson's claim rests nor do they show that Robinson is entitled to relief. To cure this defect, Robinson must provide a short, plain statement of the event or events that cause him to believe defendant Jones caused Robinson a harm that can be redressed by this court. Accordingly, this court denies Robinson's application to proceed *in forma pauperis* at this time and dismisses Robinson's complaint without prejudice to Robinson's refiling a First Amended Complaint that states a claim upon which relief may be granted. Robinson is given leave to file a First Amended Complaint by no later than August 26, 2008.

Courtroom Deputy
Initials: